

filed in the District Court of the United States for said district a libel for the seizure and condemnation of 140 bottles of Prickly Ash, Poke Root, and Stillingia Compound with Iodides, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Allan-Pfeiffer Chemical Co., St. Louis, Mo., on or about July 3, 1919, and transported from the State of Missouri into the State of Washington, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "A Powerful Purifier of the Blood, for Impure Blood, Blotches, Salt Rheum, Sores, Rheumatism, Pimples, Pustules, Scald Head, Ulcerations, Syphilitic Affections, Renovates the System * * * in the purification of the blood and the cleansing of the system * * * of great value in Syphilitic Disorders and Rheumatism * * * highly recommended for treatment of tumors, cancer, rheumatism and diseases arising from impurities of the blood * * * remedy in syphilitic affections * * * in secondary syphilis, scrofula, skin diseases, chronic liver troubles and other complaints * * * in secondary and tertiary syphilis;" (label) "* * * Cleanses the blood, Purifies the System, Strengthens the Muscles, Tones up the System * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of plant extractives, including a laxative drug, potassium iodid, alcohol, sugar, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the statements aforesaid, appearing on the carton and label of the bottle containing the article, regarding its curative and therapeutic effects, were false and fraudulent in that said article did not contain any ingredient or combination of ingredients capable of producing the effects claimed for it.

On November 3, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

8564. Adulteration and misbranding of egg noodles. U. S. * * * v. 35 Cases and 24 Cartons of Egg Noodles. Judgment of dismissal. Product released on bond. (F. & D. No. 11649. I. S. No 3486-r. S. No. W-553.)

On December 11, 1919, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 35 cases and 24 cartons containing retail packages of a product, labeled in part "Six ounces net, Tri-State Brand Egg Noodles Manufactured by Sharp Elliott Mfg. Co., El Paso, Texas," remaining unsold in the original unbroken packages at Las Vegas, N. M., alleging that the article had been shipped on December 24, 1918, and transported from the State of Texas into the State of New Mexico, and charging misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in substance in the libel for the reason that the retail packages purported to contain egg noodles, whereas the contents of said retail packages were not egg noodles, but were plain noodles containing little or no egg, which had been substituted wholly or in part for the article.

Misbranding was alleged in substance for the reason that the labels on the packages containing the articles bore the following statements regarding the contents of said packages, to wit, "Six Ounces Net" and "Tri-State Brand Egg Noodles," which statements were false and misleading and deceived and misled the purchaser thereof into the belief that the contents of the packages were noodles made with eggs, and said packages contained 6 ounces net weight,

whereas, in truth and in fact, the contents of said packages were not egg noodles, but were plain noodles containing little or no egg, and the said packages contained less than 6 ounces. Misbranding was alleged for the further reason that the contents of said packages were an imitation of, and were offered for sale under the distinctive name of, another article. Misbranding was alleged for the further reason that the contents of said packages were not plainly and conspicuously stated in terms of weight or measure.

On May 8, 1920, the Sharp Elliott Mfg. Co., El Paso, Tex., having entered an appearance as claimant of the goods and petitioned the court for a dismissal of the cause and having paid the costs of the proceedings and executed bond in the sum of \$84, in conformity with section 10 of the act, it was ordered by the court that the libel be dismissed and that the goods be delivered to said claimant.

E. D. BALL, *Acting Secretary of Agriculture.*

8565. Adulteration and misbranding of oil of birch. U. S. * * * v. 3 Packages of Oil of Birch. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 12118. I. S. No. 9643-r. S. No. C-1695.)

On January 23, 1920, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 packages of oil of birch, remaining unsold in the original unbroken packages at Cincinnati, Ohio, consigned by Z. B. Buchanan, Hickory, N. C., on December 27, 1919, alleging that the article had been shipped from Hickory, N. C., and transported from the State of North Carolina into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it was sold under a name recognized in the United States Pharmacopœia and differed from the Pharmacopœial standard of strength, quality, and purity, and its own standard of strength, quality, and purity was not plainly stated upon its container, and for the further reason that its strength and purity fell below the professed standard and quality under which it was sold. Adulteration was alleged for the further reason that synthetic methyl salicylate had been mixed and packed with, and substituted wholly or in part for, pure oil of birch, which the article purported to be.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, oil of birch, whereas it was a product consisting in part of oil of birch and largely of synthetic methyl salicylate.

On March 8, 1920, Z. B. Buchanan, Hickory, N. C., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the goods be relabeled under the supervision of this department.

E. D. BALL, *Acting Secretary of Agriculture.*

8566. Misbranding of Pepso-Laxatone. U. S. * * * v. 7½ Dozen Bottles of Pepso-Laxatone. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 12169, 12170. I. S. Nos. 9001-r, 9000-r. S. Nos. C-1710, C-1711.)

On February 17, 1920, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the